

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

ETHAN MCROREY, KAYLEE FLORES,)
GUN OWNERS OF AMERICA, INC., and)
GUN OWNERS FOUNDATION,)

Plaintiffs,)

v.)

Civil Action No. 7:23-cv-00047-O

MERRICK B. GARLAND, in his Official)
Capacity as Attorney General of the)
United States, and the FEDERAL)
BUREAU OF INVESTIGATION,)

Defendants.)
_____)

**MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION, AND/OR PERMANENT INJUNCTION**

COME NOW Plaintiffs, Ethan McRorey (“McRorey”), Kaylee Flores (“Flores”), Gun Owners of America, Inc. (“GOA”), and Gun Owners Foundation (“GOF”) (collectively “Plaintiffs”), by and through undersigned counsel, and hereby request, pursuant to Fed. R. Civ. P. 65, that this Court issue a Temporary Restraining Order, Preliminary Injunction, and/or Permanent Injunction enjoining Defendants from enforcing 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l) (the “Challenged Provisions”) contained in the Bipartisan Safer Communities Act, Pub. L. No. 117-159, 136 Stat. 1313.

The Challenged Provisions took effect on November 14, 2022 and mandate an automatic, nationwide, indefinite waiting period on *every* prospective firearm purchaser who seeks to acquire a firearm at a federally licensed dealer and who is at least 18 years of age but under 21 years of

age, delaying the exercise of and thereby infringing the right to keep and bear arms for this entire category of “the people.”

Unless immediately enjoined, the Challenged Provisions irreparably harm and violate Second Amendment rights of young adults including Plaintiffs, who are otherwise law abiding and eligible 18–20-year-old individuals, simply due to their age, as explained in Plaintiffs’ contemporaneously filed Memorandum in Support. Plaintiffs are likely to succeed in establishing that the Challenged Provisions violate the Second Amendment.

As such, Plaintiffs request that this Court enter a temporary restraining order, followed by a preliminary and/or permanent injunction, to enjoin the irreparable harm Plaintiffs are suffering and will continue to suffer absent such relief, in the form of an Order restraining and enjoining the administration, enforcement, and imposition of the requirements of the Challenged Provisions. As explained in greater length in the accompanying Memorandum, the balance of equities and the public interest favor granting a Temporary Restraining Order and overall injunctive relief. Because this injunctive relief presents no monetary risk to Defendants, Plaintiffs request that the bond be set at \$1 or altogether waived. Fed. R. Civ. P. 65(c).

Plaintiffs request that the Court issue an Order enjoining the Challenged Provisions until such time as the Court can rule on the merits of Plaintiffs’ Complaint for Declaratory and Injunctive Relief.

Upon filing this Motion and accompanying Memorandum in Support, Plaintiffs caused to be delivered a true and correct copy to the individuals on the Certificate of Service.

Respectfully submitted,

Dated: May 12, 2023

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh

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**Pro hac vice application forthcoming*

Counsel for Plaintiffs

CERTIFICATE OF CONFERENCE

Pursuant to LR 7.1(b), Counsel is unable to confer with attorneys for Defendants, as no counsel has entered an appearance for Defendants and Counsel does not know who will be assigned to this matter. However, after filing, Counsel caused all pleadings, including this Motion and accompanying Memorandum in Support, to be sent to Department of Justice attorneys who were involved in previous similar cases with Counsel. Counsel believes this Motion will be opposed by Defendants.

CERTIFICATE OF SERVICE

I Stephen D. Stamboulieh, hereby certify that I have on this day, caused the foregoing document or pleading to be mailed by United States Postal Service first-class mail, postage pre-paid, to the following non-ECF participants:

Federal Bureau of Investigation
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And by electronic mail to:

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Dated: May 12, 2023.

/s/ Stephen D. Stamboulieh
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